



**COUNTY OF SAN LUIS OBISPO  
DEPARTMENT OF PLANNING AND BUILDING  
STAFF REPORT**

**PLANNING COMMISSION**

*Promoting the wise use of land  
Helping build great communities*

<b>MEETING DATE</b> April 28, 2016	<b>CONTACT/PHONE</b> Jo Manson 781-4660/jmanson@co.slo.ca.us	<b>APPLICANT</b> Chad Wittstrom	<b>FILE NO.</b> SUB2004-00306
<b>SUBJECT</b> A request for a <b>second time extension</b> by Chad Wittstrom for Vesting Tentative Tract Map 2723 to subdivide an existing 48.63-acre parcel into 38 parcels of 1.0 to 5.0 acres each for the purpose of sale and/or development and one 1.09-acre public lot to be offered to the San Miguel Community Services District for construction of a future water tank, and designate the project site as a TDC Receiver Site with a 50 percent density bonus (4 additional lots). The project includes off-site road improvements to River Road, Martinez Drive, and Magdalena Drive. The project will result in the disturbance of approximately 3.3 acres of a 48.63-acre parcel for the creation of two on-site roads. The proposed project is within the Residential Suburban land use category and is located at the terminus of Martinez Drive, approximately 1,200 feet east of North River Road in the community of San Miguel. The site is in Salinas River Sub-area of the North County Planning Area.			
<b>RECOMMENDED ACTION</b> Approve the <b>second time extension request</b> for Vesting Tentative Tract Map 2723.			
<b>ENVIRONMENTAL DETERMINATION</b> A Negative Declaration (pursuant to Public Resources Code Section 21000 et seq., and CA Code of Regulations Section 15000 et seq.) was issued on April 17, 2006 for this project. The Negative Declaration was approved by the Planning Commission on May 25, 2006.			
<b>LAND USE CATEGORY</b> Residential Suburban	<b>COMBINING DESIGNATION</b> None	<b>ASSESSOR PARCEL NUMBER</b> 027-221-044, 027-221-045, 027-251-016 and 027-251-017	<b>SUPERVISOR DISTRICT(S)</b> 1
<b>PLANNING AREA STANDARDS:</b> None			
<b>LAND USE ORDINANCE STANDARDS:</b> Transfer Development Credits, Public Lot and Underground Utilities			
<b>EXISTING USES:</b> Residence and accessory buildings			
<b>SURROUNDING LAND USE CATEGORIES AND USES:</b> North: Residential Suburban / residential South: Agriculture / residential and agriculture East: Agriculture / residential and agriculture West: Residential Suburban / residential			
<b>OTHER AGENCY / ADVISORY GROUP INVOLVEMENT:</b> Vesting tentative tract map was originally referred to San Miguel Community Advisory Group, Public Works, Environmental Health, Agriculture Commissioner, County Parks, San Miguel Community Services District, San Miguel Fire Department, APCD and Department of Fish and Game.			
<b>TOPOGRAPHY:</b> Level to steeply sloping		<b>VEGETATION:</b> Grasses, forbes, oak woodland and chaparral	
<b>PROPOSED SERVICES:</b> Water supply: Community System Sewage Disposal: Individual septic system Fire Protection: San Miguel Fire District		<b>ACCEPTANCE DATE:</b> N/A	
<small>ADDITIONAL INFORMATION MAY BE OBTAINED BY CONTACTING THE DEPARTMENT OF PLANNING &amp; BUILDING AT: COUNTY GOVERNMENT CENTER γ SAN LUIS OBISPO γ CALIFORNIA 93408 γ (805) 781-5600 γ FAX: (805) 781-1242</small>			

## TIME EXTENSION REQUEST/PROJECT DESCRIPTION

Vesting Tentative Tract Map 2723 was approved by the Planning Commission on May 25, 2006 and was set to expire on May 25, 2016. On March 16, 2016, the applicant requested the **second one year time extension and paid the extension application fee**. If a time extension request is submitted on or before the expiration date, it remains valid until acted on by the decision making body.

Vesting Tentative Tract Map 2723 is a request by Chad Wittstrom for Vesting Tentative Tract Map 2723 to subdivide an existing 48.63-acre parcel into 38 parcels of 1.0 to 5.0 acres each for the purpose of sale and/or development and one 1.09-acre public lot to be offered to the San Miguel Community Services District for construction of a future water tank, and designate the project site as a TDC Receiver Site with a 50 percent density bonus (4 additional lots). The project includes off-site road improvements to River Road, Martinez Drive, and Magdalena Drive. The project will result in the disturbance of approximately 3.3 acres of a 48.63-acre parcel for the creation of two on-site roads.

This vesting tentative map is not yet ready to record. Additional time is necessary to comply with the conditions of approval. Time extensions for vesting tentative maps are discretionary; however, they have historically been processed as an administrative action and placed on the consent agenda for notification purposes for both the Planning Commission and the public.

## DISCUSSION

### The Subdivision Map Act & Real Property Division Ordinance

The Subdivision Map Act provides that a conditionally approved vesting tentative map shall expire twenty-four (24) months after its conditional approval. The original expiration date was May 25, 2008. The Planning Commission approved a first one year time extension request on April 24, 2008 and the revised expiration date was May 25, 2009. With recent amendments, the Subdivision Map Act now allows up to six (6) one year discretionary time extensions (without legislative time extensions). The applicant must request each of the *discretionary* time extensions. This request is the applicant's **second discretionary one year time extension request**.

The Subdivision Map Act was amended in 2008, 2009, 2011 and 2013 to provide tentative maps with "automatic, state-mandated" extensions that are above and beyond the six (6) one year time extensions as follows:

Senate Bill 1185 (California Government Code Section 66452.21) – If a tentative map was approved before and not expired on July 15, 2008 and will expire between July 15, 2008 and January 1, 2011 – extends the tentative map twelve (12) months. Vesting Tentative Tract Map 2723 was extended to May 25, 2010.

Assembly Bill 333 (California Government Code Section 66452.22) – If a tentative map was approved before and not expired on July 15, 2009 and will expire between July 15, 2009 and January 1, 2012 – extends the tentative map twenty four (24) months. Vesting Tentative Tract Map 2723 was extended to May 25, 2012.

Assembly Bill 208 (California Government Code Section 66452.23) – If a tentative map was approved before and not expired on July 15, 2011 and will expire between July 15, 2011 and

January 1, 2014 – extends the tentative map twenty four (24) months. Vesting Tentative Tract Map 2723 was extended to May 25, 2014.

Assembly Bill 116 (California Government Code Section 66452.24(a)) – If a tentative map was approved after January 1, 2000 and not expired on July 11, 2013 it extends the tentative map twenty four (24) months. Vesting Tentative Tract Map 2723 was extended to May 25, 2016.

### **Staff Determination and Recommendation**

This time extension request has been reviewed by staff. It complies with The Subdivision Map Act and Section 21.06.010 of the Real Property Division Ordinance, and remains in compliance with the General Plan and County ordinances.

After review of the vesting tentative map, staff recommends to the Planning Commission that the **second one year time extension** be granted to May 25, 2017 subject to the conditions of approval set by the Planning Commission on May 25, 2006 in accordance with Resolution No. 2006-027.

### **ATTACHMENTS**

Attachment 1 - Project Graphics

Attachment 2 – Planning Commission Resolution No. 2006-027

Staff report prepared by Jo Manson and reviewed by Terry Wahler, Senior Planner